

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**
By _____

**Amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances
relating to Land Subdivision: Land Subdivision Regulations.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 598.320 of the above-entitled ordinance be amended to read as follows:

598.320. Appeal. Unless otherwise prescribed by state law, All decisions of the planning commission shall be final subject to appeal to the city council and the right of subsequent judicial review. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals must be filed within ten (10) calendar days of the date of decision by the planning commission and shall be accompanied at the time of filing with payment of a seventy-five dollars (\$75.00) application fee. In the case of an appeal made by the original subdivider, the fee shall be waived. Timely filing of an appeal shall stay the decision of the planning commission until a decision is made by the city council. Not less than ten (10) days before the public hearing to be held by the zoning and planning committee of the city council to consider the appeal, the zoning administrator shall mail notice of the hearing to the property owners and the registered neighborhood group(s) who were sent notice of the public hearing held by the planning commission to consider the subdivision application. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this section has been made. No subdivision approval shall be recorded nor any action taken by any person to develop, grade or otherwise alter the property until expiration of the ten (10) day appeal period and, if an appeal is filed pursuant to this section, until after a final decision has been made by the city council approving the subdivision.

Section 2. That Section 598.340 of the above-entitled ordinance be amended to read as follows:

598.340. Findings and purpose. The City Council of the City of Minneapolis and the Park and Recreation Board of the City of Minneapolis jointly find that the preservation and development of parks, playgrounds, recreational facilities, wetlands, trails, and open space areas within the city are essential to maintaining a healthy and desirable environment for residents and persons employed within the city. The value and attractiveness of residential, commercial, and industrial developments to land owners, developers, purchasers, employers, and employees is significantly enhanced by the presence of park and open space amenities.

The city council and park and recreation board find that the development of land for new residential, commercial, and industrial purposes creates a need for park and recreational land and facilities within the city that exceeds current park resources. The city council and park and recreation board find that:

- (1) The National Recreation and Parks Association's guidelines for park system planning are that neighborhood parks have a service area between one-quarter (1/4) to one-half (1/2) mile and that the service area for community parks is between one-half (1/2) to three (3) miles.
- (2) The Urban Land Institute's guidelines have a one-half (1/2) mile service radius for neighborhood parks and a two (2) mile service radius for community parks.
- (3) One (1) of the stated goals of the park board's comprehensive park system plan is to "ensure park access for all residents by providing parks within an easy walk from their homes (no more than six (6) blocks) and achieving a ratio of .01 acres of parkland per household."
- (4) The city's current neighborhood and community parks consist of one thousand seven hundred twenty-nine (1,729) acres.
- (5) The city metropolitan council has projected that by the year 2030 2040, twenty-six thousand three hundred fifty (26,350) forty-six thousand three hundred and sixty (46,360) new households will be added to the city creating a demand for an additional two hundred sixty-three (263) four hundred and sixty-four (464) acres of neighborhood and community parkland.
- (6) The city's comprehensive plan metropolitan council projects net new job growth of fifty-three thousand seven hundred sixty (53,760) one hundred thirty-seven thousand three hundred sixty-eight (137,368) by the year 2030 2040, which would create an additional need for one hundred twenty-two (122) three hundred and eleven (311) acres of parkland.

Section 3. That Section 598.350 of the above-entitled ordinance be amended to read as follows:

598.350. Authority. Pursuant to Minnesota Statutes Section 462.358, Subd. 2, as amended, Laws of Minnesota 2006, Chapter 269, and Laws of Minnesota 2008, Chapter 331, Laws of Minnesota 2008, Chapter 366, Laws of Minnesota 2013, Chapter 85, and other powers granted by law, the city and park and recreation board are jointly authorized to require that a reasonable portion of any new residential, commercial, and industrial development be dedicated to the public for public use as parks, playgrounds, recreational facilities, wetlands, trails, or open space areas, and that the city and park and recreation board may alternatively accept an equivalent amount in cash.

Section 4. That Section 598.370(a) of the above-entitled ordinance be amended to read as follows:

598.370. Land dedication requirements. (a) *Generally.* Pursuant to Minnesota Statutes Section 462.358, Subd. 2, as amended, Laws of Minnesota 2006, Chapter 269, and Laws of Minnesota 2008, Chapter 331, aAny developer of land within the city that will result in a net

increase in the number of development employees and/or a net increase in the number of residential dwelling units shall convey or dedicate to the public a reasonable portion of the land for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space. This requirement shall apply to platting of land, re-platting of land, registered land survey, or development that will require a building permit, but shall not apply to tax parcel combinations or splits, minor subdivisions, lot line adjustments, conversions of apartments to condominiums, or internal leasehold improvements that do not result in a net increase in the number of residential dwelling units or development employees.

City staff, in consultation with the Park Board Superintendent or their designee and the developer, shall determine the location and configuration of any land dedicated, taking into consideration the suitability and adaptability of the land for its intended purpose, future needs of the proposed development, and the criteria below. The park board may decline any such proposed dedication by responding in writing in a timely manner within ten (10) business days to a communication from the city to the park board describing the proposed land dedication. In such case, the developer will be required to make a payment-in-lieu of dedication in accordance with subdivision (c) below.

Criteria to be considered:

- (1) The land to be dedicated must be in conformance with the comprehensive plan and applicable adopted small area plans and in an area that is identified for park or conservation purposes in an adopted city or park board plan.
- (2) The land to be dedicated should serve an appropriate public purpose, which might include one (1) or more of the following:
 - a. Connecting existing components of the parks and open space network (including creation of a trail connection).
 - b. Expanding an existing public park, trail, or open space by the addition of adjacent land.
 - c. Preserving significant landforms, native plant communities, sensitive habitat, and/or cultural resources.
 - d. Preserving areas containing vegetation identified as endangered or threatened or that provide habitat for animals identified as endangered, threatened, or of special concern under 15 United States Code Section 1531 et seq. or Minnesota Statutes Section 84.0895, and rules adopted under these respective laws.
 - e. Providing space for recreational and leisure uses appropriate to meet the needs of the new residents and/or employees.
- (3) There must be sufficient resources, public and/or private, available and committed to develop, operate, and maintain the new park land.
- (4) The land to be dedicated should help serve an area that is under-served by parks due to distance to existing parks, population density, inadequate facilities, or inadequate size of existing nearby parks.

- (5) The land to be dedicated shall be adequate for its intended purpose.
- (6) Land dedicated solely for roadway, stormwater retention, or utility purposes, or otherwise unsuitable for the purposes listed above, shall not be accepted as satisfying the land dedication requirements of this article.
- (7) Dedicated land shall be accessible to the public served unless the city and park board determine that the dedicated land is an environmentally or ecologically sensitive area for which public access would be detrimental.

Section 5. That Section 598.370(c) of the above-entitled ordinance be amended to read as follows:

598.370. Land dedication requirements. (a) *Generally.* Pursuant to Minnesota Statutes Section 462.358, Subd. 2, as amended, Laws of Minnesota 2006, Chapter 269, and Laws of Minnesota 2008, Chapter 331, any developer of land within the city that will result in a net increase in the number of development employees and/or a net increase in the number of residential dwelling units shall convey or dedicate to the public a reasonable portion of the land for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space. This requirement shall apply to platting of land, re-platting of land, registered land survey, or development that will require a building permit, but shall not apply to tax parcel combinations or splits, minor subdivisions, conversions of apartments to condominiums, or internal leasehold improvements that do not result in a net increase in the number of residential dwelling units or development employees.

City staff, in consultation with the Park Board Superintendent or their designee and the developer, shall determine the location and configuration of any land dedicated, taking into consideration the suitability and adaptability of the land for its intended purpose, future needs of the proposed development, and the criteria below. The park board may decline any such proposed dedication by responding in writing in a timely manner to a communication from the city to the park board describing the proposed land dedication. In such case, the developer will be required to make a payment-in-lieu of dedication in accordance with subdivision (c) below.

Criteria to be considered:

- (1) The land to be dedicated must be in conformance with the comprehensive plan and applicable adopted small area plans and in an area that is identified for park or conservation purposes in an adopted city or park board plan.
- (2) The land to be dedicated should serve an appropriate public purpose, which might include one (1) or more of the following:
 - a. Connecting existing components of the parks and open space network (including creation of a trail connection).
 - b. Expanding an existing public park, trail, or open space by the addition of adjacent land.
 - c. Preserving significant landforms, native plant communities, sensitive habitat, and/or cultural resources.
 - d. Preserving areas containing vegetation identified as endangered or threatened or that provide habitat for animals identified as endangered, threatened, or of special concern under 15 United States Code Section 1531 et seq. or Minnesota Statutes Section 84.0895, and rules adopted under these respective laws.

- e. Providing space for recreational and leisure uses appropriate to meet the needs of the new residents and/or employees.
 - (3) There must be sufficient resources, public and/or private, available and committed to develop, operate, and maintain the new park land.
 - (4) The land to be dedicated should help serve an area that is under-served by parks due to distance to existing parks, population density, inadequate facilities, or inadequate size of existing nearby parks.
 - (5) The land to be dedicated shall be adequate for its intended purpose.
 - (6) Land dedicated solely for roadway, stormwater retention, or utility purposes, or otherwise unsuitable for the purposes listed above, shall not be accepted as satisfying the land dedication requirements of this article.
 - (7) Dedicated land shall be accessible to the public served unless the city and park board determine that the dedicated land is an environmentally or ecologically sensitive area for which public access would be detrimental.
- (b) *Formula for dedication of land.* At any time that net new residential dwelling units and/or net new or increased development employees will result from development, the developer shall dedicate:
- (1) .0066 acres of land for every newly created residential dwelling unit within the downtown area or .01 acres of land for every newly created residential dwelling unit outside of the downtown area, up to a maximum of ten (10) percent of the area being platted or developed, plus
 - (2) One hundred (100) square feet of land for each development employee, up to a maximum of ten (10) percent of the area being platted or developed.

Land so dedicated shall be within the plat, registered land survey, or development site and/or, subject to approval by the city after consultation with park board staff and the developer, in close proximity to the plat, registered land survey, or development site. The city may require the land dedication option under this subdivision (b) as a condition of plat, registered land survey or building permit approval, and in so doing may require that the land be dedicated prior to or at the same time as recording the final plat or registered land survey.

- (c) *Dedication option; fee payment.* If a plat or registered land survey is not required under section 598.40, if the dedication of land is not practical, or if city staff, after consultation with Park Board Superintendent or their designee, determines that the land to be dedicated does not meet the requirements of subdivision (a), then a developer of property subject to subdivision (b) of this section shall contribute a cash payment in lieu of all or a portion of the land otherwise required under subdivision (b) of this section. The fee for mixed-use developments that include both residential and non-residential development shall be the sum of the fees for the residential and non-residential development components. The amount of cash payment for residential development shall be one thousand five hundred dollars (\$1,500.00) per non-exempt unit, with said amount to be adjusted annually as described below. The amount of the cash payment for non-residential development shall be based upon the city assessor's most recent certified land estimated market value per square foot of the total acreage of the plat or development site at the time of city approval, multiplied by the number of square feet that would have been dedicated under subdivision (b). The amount of cash payment in lieu of dedication for non-residential development shall not exceed two hundred dollars (\$200.00) per development employee, with said maximum to be adjusted annually as described below. Both the per unit and per development employee limits above shall be adjusted each April 1 by the change in the Consumer Price Index for all Urban

Consumers (CPI-U, all Items) for the Minneapolis-St. Paul area issued by the Bureau of Labor Statistics for the preceding twelve (12) months ending December 31 of the previous year, but shall not be reduced. In determining whether land dedication or cash in lieu thereof will be required, city staff, in consultation with park board staff, may consider without limitation the suitability and adaptability of land within the site for the purposes listed in subdivision (a) of this section and criteria for land dedication in subdivision (a) of this section. The cash payment in lieu shall be contributed prior to obtaining the city clerk's signature on the final plat or at the time of payment of the fees for the building permit that authorizes the construction of the main structure of the project.~~prior to obtaining the building permit required for the project.~~

Section 6. That Section 598.380 of the above-entitled ordinance be amended to read as follows:

598.380. Private land maintained for public use. City staff, after consultation with Park Board Superintendent or his their designee, may at its discretion, waive all or a portion of the land or cash dedication required in section 598.370 and enter into an agreement for the private development and/or maintenance of land for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space areas within the proposed development, subject to the following conditions:

- (1) The land area or value of the land and improvements privately developed and maintained for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space areas must at least equal that required under this ordinance.
- (2) Land, facilities, and improvements accepted under this provision shall be accessible to the public in a manner similar to public land.
- (3) The city must find that such land and improvements will serve the purposes listed in section 598.370(a).
- (4) The city, park board, and developer of the land must have executed a parkland development agreement ensuring that specified land shall be developed and maintained by the developer to park board standards, and any and all successors in interest thereof, of any type whatsoever, which includes, but is not limited to heirs and assigns, for the purposes listed in section 598.370(a). The developer must include a covenant running with the specified land indicating that the land to be developed and maintained to park board standards for the purposes listed in section 598.370(a) will revert to the city and/or park board in the event of a failure to comply with this requirement. When a recordable covenant concerning the ownership, maintenance or use of private areas and facilities for parkland development is required, the covenant shall be submitted to the city for approval, after consultation with park board staff. Such covenant shall be recorded prior to or at the same time as the final plat or prior to obtaining building permits, as applicable.
- (5) Yards, court areas, parking areas, stormwater management areas, setbacks, and other open areas required by zoning and building ordinances and regulations shall not be included in the computation of the land area required in determining the park dedication waiver.
- (6) Before a waiver is given, the city, in consultation with Park Board Superintendent or their designee, shall make a finding that such a waiver is acceptable.

- (7) That where such waiver is granted, the amount of the waiver in the downtown area may be up to one hundred (100) percent of the park dedication requirements for the development.
- (8) That where such waiver is granted, the amount of the waiver elsewhere in the city shall not exceed seventy-five (75) percent of the park dedication requirements for the development.
- (9) If the developer provides park and recreational improvements, site amenities, or other landscape elements to the public use space, the value of the improvements shall be credited against the park dedication fees and conform to park board standards.

Section 7. That Section 598.410 of the above-entitled ordinance be amended to read as follows:

598.410. Administrative fee. An nonrefundable administrative fee of five (5) percent of the park dedication fees, not to exceed one thousand dollars (\$1,000.00) per project, collected through building permits shall be paid by the permit applicant to the city upon building permit issuance.

Section 8. That Section 598.420 of the above-entitled ordinance be amended to read as follows:

598.420. Effective date. This chapter ordinance shall take effect at the later of: on January 1, 2014. It shall not apply to development that has received approval of all required land use applications by the city council, city planning commission, and/or board of adjustment prior to the effective date or development for which complete land use and/or building permit applications have been received in full by the department of community planning and economic development prior to the effective date.

(1) Six (6) months after both the Minneapolis City Council and the Park and Recreation Board adopt identical ordinances, or

(2) Approval of state law amendments related to same.